UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK	NOV. O.E.
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MARTIN DROZ,	LAWFENCE IS BAFFINAR COM
Plaintiff,	
-V-	6:05-CV-939 (Lead)
SHIRLEY HERDER, in her individual capacity; and STATE TROOPER P.J. MCCADDEN;	6:05-CV-940 (Member) 6:05-CV-941 (Member)
Defendants.	
MARTIN DROZ,	
Plaintiff,	
-V-	9:05-CV-942 (Lead) 9:05-CV-943 (Member)
COUNTY OF ONEIDA, NEW YORK; DANIEL G. MIDDAUGH, The Sheriff of Oneida County, New York; SCOTT BURNOP; MICHAEL DURANT; SHAWN MALONE; MICHAEL MULKY; MARK SLAWSON; UNKNOWN SOWITCH;	9.00-CV-943 (IVICITIDE!)
Defendants.	
APPEARANCES:	OF COUNSEL:
EDWARD E. KOPKO, ESQ. Attorney for Plaintiff 15 Nottingham Drive, Ithaca, NY 14850	
SHANTZ & BELKIN Attorneys for Defendant Herder 26 Century Hill Drive, Suite 202 Latham, NY 12110	FREDERICK F. SHANTZ, ESQ.

HON. ANDREW M. CUOMO Attorney General for the State of New York Attorney for Defendant McCadden The Capitol Albany, NY 12224-0341 BRUCE J. BOIVIN, ESQ. Ass't Attorney General

PETRONE & PETRONE Attorneys for County Defendants 1624 Genesee Street Utica, NY 13502 DAVID H. WALSH, IV, ESQ.

DAVID N. HURD United States District Judge

ORDER

Pursuant to the Mandate issued by the United States Court of Appeals for the Second Circuit on October 7, 2009, and entered in the Northern District of New York on November 17, 2009, it is

ORDERED that

- 1. Summary judgment in favor of defendant State Trooper P.J. McCadden is GRANTED on the grounds of qualified immunity;
 - 2. All claims against defendant State Trooper P.J. McCadden are DISMISSED;
- 3. Because all underlying claims have been dismissed, the conspiracy claim against defendant State Trooper P.J. McCadden and defendant Shirley Herder is DISMISSED;
- 4. The Order consolidating the above-captioned cases for trial (Doc. No. 53) is VACATED; and
- 5. Consolidated case number 9:05-CV-942 (Lead; 9:05-CV-943 (Member)) will proceed to trial.

The Clerk of the Court is directed to enter judgment in consolidated case number 6:05-CV-939 (Lead; 6:05-CV-940 (Member); 6:05-CV-941 (Member)) accordingly.

IT IS SO ORDERED.

United States District Judge

Dated: November 24, 2009

Utica, New York.